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HOUSE BILL 270

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR A STUDY OF BIAS-BASED POLICING; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BIAS-BASED POLICING STUDY AND REPORT.--

A. As used in this section:

(1) "bias-based policing" means:

(a) the practice of targeting persons for suspected illegal activities using race, ethnicity, color, age, gender identity, sexual orientation, nationality, religion, political affiliation, disability, socioeconomic status or any combination of these or other noncriminal characteristics as the sole criterion for the determination of probable cause; and

(b) using traffic enforcement as a

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1 pretext in the prevention and detection of crime, including the  
2 apprehension, detention or arrest of persons, stops of motor  
3 vehicles for alleged traffic violations or investigatory  
4 purposes, search and seizure of property, enforcement of state  
5 laws and rules and policy and procedure development or to  
6 conduct further investigation; and

7 (2) "law enforcement agencies" means state,  
8 county, municipal, university, border, tribal and other local  
9 law enforcement agencies in New Mexico.

10 B. The New Mexico sentencing commission shall  
11 contract for a study of bias-based policing on a statewide  
12 basis. The study shall include an examination of:

13 (1) all available data regarding motor vehicle  
14 stops and arrests by law enforcement agencies;

15 (2) complaints against law enforcement  
16 agencies and officers;

17 (3) monetary settlements of complaints against  
18 law enforcement agencies; and

19 (4) other information available that is  
20 necessary to attain a full understanding of bias-based policing  
21 incidents and practices.

22 C. Following a thorough review of the study  
23 results, the New Mexico sentencing commission, in collaboration  
24 with other agencies involved in the study, shall create  
25 recommendations for the development and implementation of

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1 plans, policies and strategies to eliminate bias-based policing  
2 in New Mexico. The recommendations shall include:

3 (1) policies for law enforcement agencies that  
4 are designed to protect individuals' civil rights, including  
5 training of law enforcement officers;

6 (2) strategies to improve the data available  
7 to identify and understand bias-based policing incidents and  
8 practices;

9 (3) educational efforts for communities of  
10 color promoting understanding of civil rights relating to law  
11 enforcement activities; and

12 (4) data collection requirements for law  
13 enforcement agencies.

14 D. The study results and recommendations shall be  
15 presented to the public with opportunities for public comment  
16 and to the governor, the department of public safety, the  
17 department of transportation, the governor's homeland security  
18 advisor, the courts, the corrections department and the  
19 appropriate interim legislative committee. A preliminary  
20 progress report shall be made to the public and entities  
21 described in this subsection by October 1, 2008, and a final  
22 report, including all study results, shall be made to the  
23 public and the entities by August 1, 2009.

24 Section 2. APPROPRIATION.--One hundred fifty thousand  
25 dollars (\$150,000) is appropriated from the general fund to the  
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1 New Mexico sentencing commission for expenditure in fiscal  
2 years 2009 and 2010 to contract for a study of and report on  
3 bias-based policing on a statewide basis. Any unexpended or  
4 unencumbered balance remaining at the end of fiscal year 2010  
5 shall revert to the general fund.

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